

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
January 2, 2008

**D051323      In re Miranda L., a Juvenile**

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Haller, J.

**D052208      In re Fabian Z., a Juvenile**

This case has been reviewed by Justices Nares, Benke, and Irion. Appellant Juan Z. is not aggrieved by any order made on December 5, 2007. His appeal is accordingly dismissed.

**D050749      In re R.B. et al., Juveniles**

The judgment terminating parental rights to R. is affirmed. The judgment terminating parental rights to K. is reversed, and the matter is remanded to the juvenile court with directions to inquire of Edward whether he has any American Indian heritage, if it has not already done so. (§ 224.3, subd. (a); rule 5.664(d).)

If inquiry produces no evidence that K. is or may be an Indian child or, if notice is required and there is no confirmation that K. is or may be eligible for membership in an Indian tribe, the court shall reinstate its findings and orders terminating parental rights. If, however, it is determined that K. is an Indian child and that ICWA applies to these proceedings, the court is directed to hold a new permanency hearing for K. under section 366.26. O'Rourke, J.; We Concur: McConnell, P.J., Nares, J.

**D050438      People v. Sanchez et al.**

With respect to Sanchez, on count 1, the 15-year-to-life sentence pursuant to section 186.22 is ordered stricken. With respect to Betancourt, on count 1, the 10-year sentence pursuant to section 186.22 is ordered stricken. The trial court is instructed to prepare an amended abstract of judgment reflecting these actions and to deliver the abstract to the Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., Huffman, J.

**D047707      People v. DeBerry**

**D049686      In re DeBerry on Habeas Corpus**

The pending petition for writ of habeas corpus, In re Wayne P. DeBerry, D049686, is consolidated with the pending appeal, People v. Wayne Presley DeBerry, D047707, for disposition

**D047707      People v. DeBerry**

**D049686      In re DeBerry on Habeas Corpus**

(Consolidated) The order is affirmed. The petition for writ of habeas corpus is denied. O'Rourke, J.; We Concur: McConnell, P.J., Huffman, J.

**D051172      In re Calvin P., a Juvenile**

The orders are reversed. The matter is remanded to the juvenile court with directions to consider and make findings on whether reunification is in the children's best interests within the meaning of section 361.5, subdivision (c), and whether Mother should therefore be provided services. McDonald, J.; We Concur: Benke, Acting P.J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 2, 2008 (Continued)

**D048643      Dicola et al. v. White Brothers Performance Products Inc., et al.**

**D049848      Dicola et al. v. White Brothers Performance Products Inc., et al.**

(Consolidated) The stipulation for dismissal of the above-referenced appeals is being returned to the parties without action being taken. The court exercises its discretion and inherent power to issue the opinion, which presents issues of continuing interest to practitioners, even though the parties' settlement renders the issues technically moot in the current proceedings. (California Rules of Court, rule 8.244(c); DuBarry Internat., Inc. v. Southwest Forest Industries, Inc. (1991) 231 Cal.App.3d 552, 556, fn.2.)

**D048643      Dicola et al. v. White Brothers Performance Products Inc., et al.**

**D049848      Dicola et al. v. White Brothers Performance Products Inc., et al.**

(Consolidated) The judgments are affirmed. CERTIFIED FOR PUBLICATION. O'Rourke, Acting P.J.;  
We Concur: Aaron, J., Irion, J.

**D050154      People v. Izadseta**

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
January 3, 2008

**D050811        In re Trinity R., a Juvenile**

The orders are affirmed. Huffman, J.; We Concur: Haller, J., Irion, J.

**D050557        People v. Washington**

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., Aaron, J.

**D048527        People v. Beach**

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D050145        Cress v. Board of Retirement of The Imperial County**

The judgment and order are affirmed. The Board is awarded its costs of appeal. McIntyre, J.; We Concur: McConnell, P.J., O'Rourke, J.

**D048864        South Bay Rod And Gun Club v. Dashiell**

The judgment is affirmed. Dashiell is entitled to costs on appeal. McDonald, J.; We Concur: Haller, Acting P.J., Aaron, J.

**D048780        Kalas v. Resendiz Brothers Protea Growers LLC**

The order denying RBPG's JNOV motion as to vicarious liability based on respondent Superior Liability is reversed, and the court shall enter a new order granting that aspect of RBPG's JNOV motion. The order granting RBPG's JNOV motion as to direct liability is reversed and the court shall enter a new order denying that aspect of RBPG's JNOV motion. Because any error in the special verdict form was harmless, Kalas is not entitled to a new trial on her conspiracy claim. The matter is remanded to the trial court for reallocation of the damages consistent with the foregoing directions. The parties shall bear their own costs on appeal. McDonald, J.; We Concur: Huffman, Acting P.J., Haller, J.

**D049514        Huberman et al. v. Lutz et al.**

The judgment is affirmed. The motion for sanctions is granted and sanctions are imposed jointly and severally on plaintiffs and their attorney in the amount of \$7,775, payable to defendants. Defendants are also entitled to costs on appeal. Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

**D051297        In re L.C. et al., Juveniles**

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., McIntyre, J.

**D051638        In re Hunter on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
January 4, 2008

**D050327      In re Ethan H. et al., Juveniles**

**D050865      In re Robin H. et al., on Habeas Corpus**

The pending petition for writ of habeas corpus, *In re Robin H. et al.*, D050865, is consolidated with the pending appeal *In re Ethan H. et al.*, D050327, for disposition.

**D050327      In re Ethan H. et al., Juveniles**

**D050865      In re Robin H. et al., on Habeas Corpus**

(Consolidated) The judgment is affirmed. The petition for writ of habeas corpus is denied. O'Rourke, J.; We Concur: Benke, Acting P.J., Haller, J.

**D049600      People v. Knox**

Order modifying opinion. No change in judgment.

**D048169      People v. Rust**

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Irion, J.

**D049276      Fourth La Costa Condominium Owners Association v. Seith**

The judgment is affirmed. The Owners Association is entitled to costs on appeal. McConnell, P.J.; We Concur: Huffman, J., Nares, J.

**D048364      People v. Saddler**

The petition for rehearing is granted.

**D052245      McCoy v. Superior Court of San Diego County/People**

The petition is denied.